

ESTTA Tracking number: **ESTTA659305**

Filing date: **03/04/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Marvell International Ltd.
Granted to Date of previous extension	03/04/2015
Address	Cedar House, 41 Cedar Avenue Hamilton, HM12 BERMUDA
Attorney information	LISA M MARTENS FISH & RICHARDSON PC PO BOX 1022 MINNEAPOLIS, MN 55440-1022 UNITED STATES tmdoctc@fr.com, cqs@fr.com, lmm@fr.com, nll@fr.com

### Applicant Information

Application No	86286805	Publication date	11/04/2014
Opposition Filing Date	03/04/2015	Opposition Period Ends	03/04/2015
Applicant	ARMADA USA LLC Building 86, Flat 26 Gardens, Jebel Ali Dubai, 643877 UNITED ARAB EMIRATES		

### Goods/Services Affected by Opposition


Class 009. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Mobile phones

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3920749	Application Date	10/05/2009
Registration Date	02/15/2011	Foreign Priority Date	NONE
Word Mark	ARMADA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2009/10/19 First Use In Commerce: 2009/10/19 Application processors, namely, processors and microprocessors for use in multimedia and data applications for the integration and processing of image, text, audio, graphics, and video data

Attachments	77841647#TMSN.png( bytes ) ARMADA USA LLC Opposition.pdf(107834 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/ April R. Morris
Name	APRIL R. MORRIS
Date	03/04/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. 86/286,805  
Filed on May 20, 2014  
For the mark **A ARMADA & Design**  
Published in the *Official Gazette* on November 4, 2014

MARVELL INTERNATIONAL LTD.

*Opposer,*

v.

ARMADA USA LLC,

*Applicant.*

Opposition No.: \_\_\_\_\_

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**NOTICE OF OPPOSITION**

Marvell International Ltd. (“Opposer” or “Marvell”), a Bermuda corporation having a principal place of business of Cedar House, 41 Cedar Avenue Hamilton HM 12, Bermuda, believes that it will be damaged by the registration of the mark that is the subject of application Serial No. 86/286,805 (the “Application”) and hereby opposes the Application, alleging as grounds for its opposition that:

1. Marvell is an industry-leading technology company with considerable expertise in the field of microprocessor architecture and digital signal processing, and provides breakthrough technology and innovative products, including high-volume storage solutions, wired and wireless networking, video processing, and cellular products. Since Marvell’s formation in 1995, Marvell

has experienced significant growth, resulting in a global presence with several international offices and design centers.

2. Since at least as early as October 19, 2009, Marvell adopted and began to use ARMADA as a mark in connection with its application processors, namely, processors and microprocessors for use in multimedia and data applications for the integration and processing of image, text, audio, graphics, and video data and has used the ARMADA mark for such goods continuously since at least as early as that date.

3. Marvell owns U.S. Registration No. 3,920,749 for its ARMADA mark for its application processor goods. A copy of the Certificate of Registration for the ARMADA registration, as well as a printout from the U.S.P.T.O. showing the current ownership and status of the registration, are annexed hereto as **Exhibit A**. The goods covered by the ARMADA registration are collectively referred to as “Marvell’s Goods.”

4. Marvell also owns common law rights in the ARMADA mark, and through its exclusive and continuous use, Marvell has established valuable goodwill in the ARMADA mark in connection with Marvell’s Goods. The common law mark ARMADA and Marvell’s registration for the ARMADA mark are referred to herein, together, as the “ARMADA Mark.”

5. Armada USA LLC (“Applicant”) seeks to register the mark A ARMADA & Design, as shown below (the “A ARMADA Mark”) for mobile phones (“Applicant’s Goods”) in International Class 9.



6. Applicant filed the Application for the A ARMADA Mark on May 20, 2014 based upon its alleged *bona fide* intent to use the A ARMADA Mark in United States commerce under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051.

7. The priority date of Marvell's registration of the ARMADA Mark, and Marvell's first use of the ARMADA Mark in United States commerce, long pre-date Applicant's filing date for the A ARMADA Mark, as well as any first use in commerce or other priority date that could be asserted by Applicant.

8. The A ARMADA Mark is confusingly similar to the ARMADA Mark in appearance, sound, and commercial impression, particularly when used in connection with Applicant's mobile phones, as identified in the Application. Applicant's A ARMADA mark incorporates the entirety of the ARMADA Mark, and is likely to be confused with the ARMADA Mark.

9. The A ARMADA Mark is confusingly similar to the ARMADA Mark as the term ARMADA in the A ARMADA Mark is the dominant portion of the mark and is identical to the ARMADA Mark.

10. Applicant seeks to register the A ARMADA Mark in connection with mobile phones, which are highly similar to Marvell's Goods that are used directly with mobile phones.

11. Upon information and belief, Applicant's targeted consumer base overlaps with, or will overlap with, Marvell's targeted consumer base.

12. Applicant's use of the A ARMADA Mark is likely to cause confusion, mistake or deception in the minds of prospective purchasers as to the origin, source, sponsorship or association of Applicant's Goods, thereby causing loss, damage, and injury to Marvell. The

extent of potential confusion among consumers between Applicant's A ARMADA Mark and the ARMADA Mark is substantial.

13. Consumers familiar with the ARMADA Mark are likely to mistakenly believe that the Applicant's Goods are sponsored, authorized, associated with, or otherwise approved by Marvell because the A ARMADA Mark is nearly identical to the ARMADA Mark.

14. Applicant's use of the A ARMADA Mark falsely suggests a relationship between Applicant's Goods and Marvell's Goods and is likely to cause confusion, mistake, or deception with respect to the source or sponsorship of Applicant's products. Therefore, Applicant's registration and use of the A ARMADA Mark is likely to result in Applicant's trading off and benefiting from the goodwill associated with Marvell and the ARMADA Mark.

15. Registration of the A ARMADA Mark would be a further source of damage to Marvell because it would confer upon Applicant various statutory presumptions to which it is not entitled in view of Marvell's prior use and registration of the ARMADA Mark.

16. Upon information and belief, Applicant was aware of Marvell before adopting the A ARMADA Mark.

17. Upon information and belief, Applicant was aware of the ARMADA Mark before adopting the A ARMADA Mark.

18. Applicant also had constructive knowledge of the ARMADA Mark before it filed to register the A ARMADA Mark, given Marvell's federal registration of the ARMADA Mark with the United States Patent and Trademark Office.

19. Applicant applied for registration of the A ARMADA Mark without the consent or agreement of Marvell.

20. For the foregoing reasons, the registration sought by Applicant is contrary to the provisions of Sections 2 and 43 of the Lanham Act, 15 U.S.C. §§ 1052 and 1125, and Marvell would be damaged thereby.

21. In order to protect the public against confusion and deceit, and to protect the ARMADA Mark from infringement, registration of the A ARMADA Mark should be refused under Sections 2(d) and 13 of the Lanham Act, 15 U.S.C. §§ 1052(d) and 1063.

**WHEREFORE**, Marvell respectfully prays for the following:

- a. a finding that the ARMADA Mark has priority over Applicant's application to register the A ARMADA Mark in connection with the goods listed in the Application;
- b. a finding that the A ARMADA Mark is likely to cause confusion with the ARMADA Mark; and
- c. pursuant to Section 13 of the Lanham Act, 15 U.S.C. § 1063, that the opposition be sustained and the Application be denied and refused.

This Notice of Opposition is submitted electronically. Please apply any fees and/or credits to Deposit Account No. 06-1050, making reference to 22463-0323PP1.

Respectfully Submitted,

Dated: March 4, 2015

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*Attorneys for Marvell International Ltd.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **NOTICE OF OPPOSITION** has this 4th day of March 2015, been mailed by pre-paid, international mail to the below-identified Attorney/Correspondent for the Applicant at his/her place of business:

ARMADA USA LLC  
Building 86, Flat 26 Gardens, Jebel Ali  
Dubai 643877  
UNITED ARAB EMIRATES

/s/ April R. Morris  
April R. Morris